



20TH MEETING OF THE NETWORK FOR TRANSPARENCY AND ACCESS TO INFORMATION

Public Statement

“The importance of consolidating the guarantor bodies to ensure access to information to reinforce public trust in the Rule of Law” May, 2021

The Assembly of the Network for Transparency and Access to Information (RTA, in its Spanish acronym), having met in its 20th Meeting on May 13, 2021, hereby issues the following Statement:

Recognizing that the International Covenant on Civil and Political Rights and the American Convention on Human Rights provide that the right to freedom of speech consists of the freedom to seek, receive and disseminate information and ideas of all kinds, irrespective of borders;

Recognizing that the OAS’ Inter-American Program on Access to Public Information reiterates the essential role of international instruments in promoting and protecting access to public information, as well as the fundamental role of access to public information in the electoral and democratic process, State governance, transparency and the fight against corruption, in protecting and promoting human rights and, especially, for the exercise of the right to freedom of thought and expression, and freedom of the press;

Bearing in mind that the joint statement issued by the International Conference of Information Commissioners (ICIC), within the framework of the International Day for Universal Access to Information 2020, highlighted that the role of the commissioners is crucial for making authorities accountable, guarantying good maintenance and management of archives, for sound information processing and compliance with their legal obligations in the context of the public emergency we face today;

Recognizing that resolution 1/2020 of the Inter-American Commission on Human Rights (IACHR) emphasizes that in states of emergency, both guarantor bodies ensuring access to information and reporting parties must give priority to requests for access to information related to the public health emergency, and proactively report, in open formats and in a manner that is accessible to all vulnerable groups, on the impact of the pandemic and the expenses deriving therefrom;

Bearing in mind that, in this same vein, IACHR resolution 4/2020 highlights that in order to guaranty an adequate exercise of the rights of persons with COVID-19, States are positively obligated to proactively inform them of their rights against health



providers, on the existing mechanism, and how to facilitate knowledge and access to information on prevention and care measures within this context for the different population groups;

Bearing in mind that the health emergency that is currently being experienced worldwide has involved great challenges and has also made it possible to more clearly visualize the disparities and complex realities between the countries of Europe and Latin America, who face the consequences of the pandemic in a different way and under unequal conditions;

Recognizing the importance of international treaties such as the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and the Convention of the Council of Europe on Access to Official Documents as instruments that promote the construction of government entities that ensure access to information in a systematic, proactive, periodic, accessible and comprehensible manner, with a focus on indigenous people and vulnerable groups, for signatory countries on these international commitments; and

Bearing in mind with approval the recent passing of the Inter-American Model Law 2.0 on Access to Public Information by the OAS General Assembly, which is the result of an extensive process of consultation with diverse social partners, including supervisory members of the RTA and civil society, and recognizing that the standards set forth in said Model Law 2.0 promote, amongst others, the establishment of specialized and impartial guarantor bodies that ensure access to information, which are autonomous and independent in their decision-making, in order to reinforce public trust in the democratic institutions of the Ibero-American region;

The members of the RTA

HEREBY STATE

1. That access to information is a human right and is essential for the exercise of other fundamental rights; that it is aligned with the United Nations Sustainable Development 2030 Agenda; that it facilitates the establishment of more efficient and transparent governmental structures and of sound, responsible and reliable institutions.

2. That the independence and autonomy¹ of the guarantor bodies ensuring access to information is essential and generates consistent mechanisms for government accountability that enable States to: fight corruption, promote tangible economic growth and empower citizens when political and social decisions are made to improve their standard of living.

3. That this context of the health emergency has demonstrated the relevance of sound guarantor bodies ensuring transparency and access to true, useful and timely information that allows for the proper enforcement of public health policies and disseminates exercises in the accountability of government actions to society.

4. That given that the COVID-19 pandemic has negatively impacted the situation of vulnerable groups that include the poor, women, boys, girls and adolescents, the elderly, persons with disabilities, indigenous communities, migrants or those in a vulnerable situation because of gender identity or sexual orientation, we reaffirm the importance of reinforcing access to information by these groups as established in the OAS Model Law 2.0 through guarantor bodies that ensure the effectiveness of this right, taking into consideration such matters as clear and simple language and accessibility.

5. That today more than ever before, government institutions must work in collaboration to assure to society that their actions are in compliance with the democratic principles of the Rule of Law, where transparency is the ideal tool to strengthen the ties of public trust that have been granted to said institutions.

6. That the RTA will continue to reinforce the mechanisms of cooperation and technical assistance aimed at improving public policies on access to information, transparency and government openness in support of the societies in the Ibero-American region, and to reinforce democratic and open-door government structures.

7. To encourage all members of the RTA to promote the incorporation of the standards contained in the Inter-American Model Law 2.0 on Access to Public Information within the framework of their national regulations and support, as far as possible, the efforts to disseminate said instrument by the OAS' Department of International Law.

¹ In accordance with the provisions of the ICIC Statutes, independence is understood as: institutional, operational and decision-making freedom, free of the influence, guidance or control of any organization that performs public functions that supervise the Information Commissioners, including the Executive Branch.